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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/512,226	02/24/2000	Jeffrey L. Huckins	INTL-0270-US-(P7593)	5664

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EXAMINER

HOYE, MICHAEL W

ART UNIT

PAPER NUMBER

2614

DATE MAILED: 04/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/512,226	Applicant(s) HUCKINS, JEFFREY L.	
	Examiner Michael W. Hoyer	Art Unit 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 January 2005.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 31-49 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 31, 32, 37-45 and 47-49 is/are rejected.
- 7) ☒ Claim(s) 33-36 and 46 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments with respect to claims 31-49 have been considered but are moot in view of the new ground(s) of rejection.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 31-32, 37-45 and 47-49 are rejected under 35 U.S.C. 102(e) as being anticipated by Kusaba et al (USPN 6,510,556), cited by the Examiner.

As to claim 31, note the Kusaba et al reference which discloses a video distributing apparatus and video distributing system. The claimed method comprising transmitting a first announcement including a content description for content is met by the initial picture screen 400 (Fig. 4A), where a user may, for example, select a desired genre, such as "movie", after making a selection, the video distribution apparatus 111/scheduler 105 transmits the contents of the title table 103 to the user at personal computer 123 (see Figs. 3, 4A and 4B, and col. 3, line 66 – col. 4, line 22). The claimed first announcement transmitted before any assignment of connection has been determined for the content is met by the content description announcement(s), as

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described above, and shown in Figs. 4A-4B, comprise types of genre (Fig. 4A) and titles of content (Fig. 4B) with the content's length of time, and this information is transmitted before any assignment of connection has been determined because the user selects or designates a channel to view or receive the content on after selecting a title to reserve (see Figs. 4B-4D and col. 4, lines 23-62). The claimed thereafter transmitting a second announcement including connection information for the content is met by the video distribution apparatus 111/scheduler 105 transmitting the connection information or channel designation information as shown in Figs. 4C and 4D as described above. The claimed transmitting the content after the first announcement and the second announcement is met by the content being transmitted on a designated channel at the selected start time after the user previously had received the title selections and channel designations and made a selection to reserve the content to be broadcasted (see col. 4, line 62 - col. 6, line 9).

As to claim 32, the claimed arranging said content description with at least two levels of granularity is met by a "group" level of granularity as shown in Fig. 4A by the various categories or types of genre, and by an "item" level of granularity as shown in Fig. 4B by the various title content selections.

As to claim 37, the claimed providing an identifier to link said first and second announcements is met by the number identifiers and title names (Fig. 4B), which provide a link to the second announcement that includes the channel numbers or connection information (see Figs. 4C-4F).

As to claim 38, the claimed transmitting said connection information includes transmitting a data program guide is met by Figures 4C-4F, where the channel numbers or

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“connection information” is displayed with time table 421 and 441 for Fig. 4E, which shows what programs or titles have been designated to specific channels at specific time intervals.

As to claim 39, the claimed transmitting the content via a satellite is met by satellite 13 as shown in Figs. 2 and 5, where the content is transmitted to the viewer's home 12.

As to claim 40, the claimed accumulating the connection information at a transport operator for later transmission via the second announcement is met by the scheduler 105 and schedule table 104 at the video distributing system 111 (col. 4, line 44 - col. 5, line 67).

As to claim 41, the claimed article comprising a medium to store instructions... is met by the video distributing apparatus 111 (col. 3, lines 10-27), and the remainder of the claim is met by the rejection of claim 31 as described above.

As to claim 42, the claim is met by similar grounds as the rejection of claim 32 as described above.

As to claim 43, the claimed storing instructions that if executed enable the system to specify the location of service in said connection information is met by designating a channel for the service to be located in (see Fig. 4C and col. 4, line 44 - col. 5, line 67).

As to claim 44, the claim is met by similar grounds as the rejection of claim 37 as described above.

As to claim 45, the claimed storing instructions that if executed enable the system to include the identifier in the first announcement and the second announcement is met by the number identifiers and title names (Fig. 4B) in the first announcement, and wherein the second announcement includes the channel numbers or connection information, as well as title names (see Figs. 4C-4F).

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As to claim 47, the claimed system comprising a processor and a transmitter coupled to said processor...is met by the video distributing apparatus 111 (col. 3, lines 10-27), which includes the commander 106 and scheduler 105, as well as a server and transmitter, and the remainder of the claim is met by the rejection of claim 31 as described above.

As to claim 48, the claimed storage coupled to said processor to store a template for said second announcement, said template formed before said connection information is available is met by the tables 103 and 104 in the video distributing apparatus 111, and by the picture plane 420 (Fig. 4C), where the template has already been formed before the connection information is available to the user (col. 4, line – col. 6, line 9).

As to claim 49, the claimed said transmitter to transmit an identifier to link said first and second announcements is met by the video distributing apparatus 111, as described above, transmitting the number identifiers and title names (Fig. 4B), which provide a link to the second announcement that includes the channel numbers or connection information (see Figs. 4C-4F).

#### *Allowable Subject Matter*

4. Claims 33-36 and 46 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

Regarding claim 33, the prior art alone or in combination does not explicitly disclose the claimed linking each of the granularity levels to connection information for the granularity. As to the most pertinent prior art of record, the Kusaba et al (USPN 6,510,556) reference discloses

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arranging the content description with at least two levels of granularity as described above in claim 32. However, Kusaba does not explicitly disclose the claimed linking each of the granularity levels to connection information for the granularity. In the Kusaba reference only the “item” or “title” granularity level is linked to connection information.

Regarding claims 34-36, the prior art alone or in combination does not explicitly disclose the claimed providing a service identifier with said first announcement to link with said second announcement. As to the most pertinent prior art of record, the Kusaba et al reference discloses an identifier to link said first and second announcements as described above in claim 37. However, Kusaba does not explicitly disclose the claimed providing a service identifier with said first announcement to link with said second announcement.

Regarding claim 46, the prior art alone or in combination does not explicitly disclose the claimed storing instructions that if executed enable the system to generate the second announcement using a template while the first announcement is generated. As to the most pertinent prior art of record, the Kusaba et al reference discloses forming a template for said second announcement as described as described above in claim 48. However, Kusaba does not explicitly disclose the claimed storing instructions that if executed enable the system to generate the second announcement using a template while the first announcement is generated.

### *Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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Ellis et al (US 2004/0117831 A1) – Discloses an interactive television program guide system and method with niche hubs, in addition to, the reference further discloses in Figures 5 and 11 program guide data that includes content description data (i.e. coming soon descriptions of content data) that is transmitted to the receiver in advance of any assignment of connection data.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael W. Hoyer whose telephone number is (571) 272-7346. The examiner can normally be reached on Monday to Friday from 8:30 AM to 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller, can be reached at (571) 272-7353.

**Any response to this action should be mailed to:**

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**Or faxed to: (703) 872-9306**

**Hand-delivered responses should be brought to:**

Knox Building  
501 Dulany Street  
Alexandria, VA 22314

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to customer service whose telephone number is **(571) 272-2600**.

Michael W. Hoyer  
March 25, 2005

  
**JOHN MILLER**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2600**